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ABSTRACT

Attended by 67 representatives of farmworkers in South Carolina, the conference aimed to examine the new laws related to migrant farmworkers and their effect upon the migrant situation in the State; to explore some of the problems of implementation as it relates to agencies that are to carry out the new laws; to discern some of the effects these laws will have on the farmer, crew leader, and the migrant laborer; and to gather information regarding other legislation needed to solve the complex problems related to the migrant farmworker. The keynote address briefly discussed who the migrants are, their needs, their wants, the conditions under which they live, and their experiences. The six addresses presented covered the new laws; migrant health programs in South Carolina; the migrant farm labor laws related to the Wage and Hour law of the Employment Standards Administration (Wage and Hour Division), and to the Occupational Safety and Health Act of the South Carolina Department of Labor; and legislation which has been proposed for the assistance of migrants in South Carolina. A State Representative and a farmer participated on a Reaction Panel, and discussed some of the views of a legislator and a farmer active in the migrant and seasonal worker's day-to-day lives and problems. A list of the participants is included. (NQ)

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ED145981

PROCEEDINGS

SECOND ANNUAL CONFERENCE ON MIGRANT FARM WORKERS

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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OCTOBER 1, 1975

WADE HAMPTON HOTEL

COLUMBIA, SOUTH CAROLINA

RC010148

SPONSORS OF THE CONFERENCE

THE MIGRANT FARM WORKERS COMMISSION

Robert S. Clarke, Chairman, S.C. Dept. of Labor

*Robert Addison, U.S. Dept. of Agriculture

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Roy Loyd, S.C. Dept. of Social Services

Steve Mayfield, S.C. State Housing Authority

Cleveland Stevens, S.C. Farm Workers Commission

Dr. D. H. Robinson, S.C. Dept. of Health

Benjamin Hollis, S.C. Dept. of Education

*Paul Ross, State Economic Opportunity Office

*Waid Toy, S.C. Employment Security Commission

*Jerrold Watson, Farmer

*Rev. L. W. Mitcham, Jr., S.C. Lutheran Synod

*Planning Committee for this Conference

SECOND ANNUAL

conference on MIGRANT FARM WORKERS

OCTOBER 1, 1975

10:00 a.m. to 4:00 p.m.

Wade Hampton Hotel
Columbia, S.C.

CONFERENCE ON MIGRANT FARM WORKERS

October 1, 1975

CONFERENCE OBJECTIVES

1-To examine the new laws related to the Migrant farm workers and their effect upon the Migrant situation in South Carolina.

2-To explore some of the problems of implementation as it relates to agencies that are to carry out the new laws.

3-To discern some of the effects these laws will have upon the farmer, crew leader, and migrant laborer.

4-To gather information regarding other legislation that is needed to solve the complex problems related to the migrant farm worker.

CONFERENCE AGENDA

10:00 - 10:30 - Registration and Coffee

10:30 - 11:00 - Welcome and Review of The Purpose of the Conference-Mr. Waid S. Toy, Conference Chairman

- Introductions - Mr. Robert S. Clarke, Chairman of The South Carolina Migrant Farm Workers Commission.

11:00 - 12:00 - Presentation on New Laws followed by Question and Answer Period - Mr. Wade Kolb, Assistant to the Attorney General of South Carolina.

12:00 - 1:30 - Luncheon Invocation-Rev. L. W. Mitcham, Jr., Conference Planning Committee.

- Luncheon

- Introduction of Speaker - Mr. Paul Ross, Conference Planning Committee

- Keynote Address - Dr. Myrtle Reul, Director of the Affirmative Action Program, University of Georgia.

1:30 - 2:00 - Migrant Farm Labor Laws Related to Wage and Hour - Employment Standards Administration, Wage and Hour Division.

2:00 - 2:30 - Migrant Farm Labor Laws Related to OSHA - S. C. Department of Labor

2:30 - 3:30 - Reaction Panel - Migrant Farm Laborer, Farmer, Crew Leader, Legislator-Moderator, Mr. Ralph W. Alewine, Region 4, Department of Labor, Atlanta, Georgia.

3:30 - Closing Remarks - Mr. Ralph W. Alewine

P R O C E E D I N G S
OF THE
SECOND ANNUAL CONFERENCE ON MIGRANT FARM WORKERS

October 1, 1975

Wade Hampton Hotel
Columbia, South Carolina

The Second Annual Conference on Migrant Farm Workers, under the sponsorship of the South Carolina Migrant Farm Workers Commission, was opened at 10:30 a. m., October 1, 1975, at the Wade Hampton Hotel, Columbia, South Carolina.

WELCOME

Mr. Waid S. Toy, Chairman of the Conference Arrangements Committee, South Carolina Employment Security Commission, welcomed the participants to the Second Annual Conference, and made a special welcome to those who were there representing the different agencies and especially to the farmers who were present at their own expense.

He outlined the four purposes of the goals or objectives of the Conference:

1. To examine the new laws related to the migrant farm workers and their effect upon the Migrant situation in South Carolina.

2. To explore some of the problems of implementation as it relates to agencies that are to carry out the new laws.

3. To discern some of the effects these laws will have upon the farmer, crew leader, and the migrant laborer.

4. To gather information regarding other legislation that is needed to solve the complex problems related to the migrant farm worker.

INTRODUCTION OF GUESTS

The Chairman of the South Carolina Migrant Farm Workers Commission, Mr. Robert S. Clarke, was then introduced for the purpose of welcoming the participants and introducing them. He also then invited the other guests to introduce themselves and to give the party or group that they represented. He introduced the members of the Commission and of the Legislative Study Group, chaired by Senator James B. Stephen, of Spartanburg.

FIRST ADDRESS

Mr. Wade Kolb, Assistant to the Attorney General of South Carolina was introduced by Commission Chairman Clarke. Mr. Kolb delivered his address which involved the presentation on new laws and was followed by a question and answer period. (reproduced in full and attached to these Proceedings as Appendix 1)

SECOND ADDRESS

Mr. Gene Harris, South Carolina Department of Health and Environmental Control of Charleston, was introduced by Commission Chairman Clarke. Mr. Harris delivered his address which involved the presentation on a brief run-down on the Migrant Health Programs in South Carolina. (reproduced in full and attached to these Proceedings as Appendix 2)

LUNCHEON

The Conference adjourned for lunch at which time the invocation was given by Reverend L. William Mitcham, Jr., of the Conference Planning Committee.

LUNCHEON ADDRESS

The Keynote Address at the luncheon was given by Dr. Myrtle Reul, Director of the Affirmative Action Program, University of Georgia. (reproduced in full and attached to these Proceedings as Appendix 3)

A F T E R N O O N S E S S I O N

The Conference re-convened at 1:30 p.m. for the completion of the presentations, and also to hear the Reaction Panel at the conclusion of the Conference.

THIRD ADDRESS

Mr. Joe Goscinski, United States Department of Labor, Wage and Hour Division, was introduced by Commission Chairman Clarke. Mr. Goscinski delivered his address which involved the presentation on the Migrant Farm Labor Laws related to Wage and Hour, the Employment Standards Administration, and the Wage and Hour Division. (reproduced in full and attached to these Proceedings as Appendix 4)

FOURTH ADDRESS

Mr. William Lybrand, Director of the Occupational Saftey and Health Program, South Carolina Department of Labor, was introduced by Commission Chairman Clarke. Mr. Lybrand delivered his address which involved the presentation on the Migrant Farm Labor Laws as related to OSHA, South Carolina Department of Labor. (reproduced in full and attached to these Proceedings as Appendix 5)

FIFTH ADDRESS

Mr. McKinley Washington, Vice-Chairman of the Governor's Legislative Study Committee, was introduced by Commission Chairman Clarke. Mr. Washington delivered his address which involved some of the pieces of legislation that have been proposed for the assistance of migrants in South Carolina. (reproduced in full and attached to these Proceedings as Appendix 6)

SIXTH ADDRESS

Mr. Ralph Alewine, United States Department of Labor, was introduced by Commission Chairman Clarke. Mr. Alewine delivered his address which involved some comments on the Conference. (reproduced in full and attached to these Proceedings as Appendix 7)

REACTION PANEL

Representative McKinley Washington, and Mr. Robin Sanders, a farmer from Frogmore, South Carolina, participated on a Reaction Panel, and discussed some of the views of a legislator, and a farmer active in the migrant and seasonal worker's day-to-day lives and problems. (reproduced in full and attached to these Proceedings as Appendix 8)

The Conference was closed with a brief summary and thanks from the South Carolina Farm Workers Commission Chariman, Mr. Robert S. Clarke.

The Conference closed at 4:30 p.m.

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Attachments to the Proceedings:

Attachment Number 1 --- First Address by Mr. Wade Kolb
Attachment Number 2 --- Second Address by Mr. Gene Harris
Attachment Number 3 --- Keynote Address: Dr. Myrtle Reul
Attachment Number 4 --- Third Address by Mr. Joe Goscinski
Attachment Number 5 --- Fourth Address by Mr. William Lybrand
Attachment Number 6 --- Fifth Address by Mr. Washington
Attachment Number 7 --- Sixth Address by Mr. Ralph Alewine
Attachment Number 8 --- Reaction Panel
Attachment Number 9 --- Names and addresses of Conference Participants

FIRST ADDRESS BY MR. WADE KOLB, ASSISTANT TO THE ATTORNEY GENERAL OF SOUTH CAROLINA, BEFORE THE SECOND ANNUAL CONFERENCE ON MIGRANT FARM WORKERS, AT THE WADE HAMPTON HOTEL, COLUMBIA, SOUTH CAROLINA, OCTOBER 1, 1975.

Thank you, Mr. Clarke. I would like to congratulate you all on what looks like a pretty good turn-out for this meeting or convention.

What I think that I am supposed to talk about today is a couple of pieces of legislation which concerns us all, and especially the people that are here, and that is the Occupational Saftey and Health Act of 1970, as it relates to Temporary Labor Camps, and also the Farm Labor Contractor Registration Act. I hope that I can tell you alittle more about these pieces of legislation and answer any questions you may have to enlighten you on it.

First of all, the Occupational Saftey and Health Act was passed in 1970. It gave the United States Secretary of Labor authority to promulgate rules and regulations for the purpose of promoting saftey and health in the nations work places. The basis for this act was the finding of Congress that, work related injuries and deaths empose a substantial burden on interstate commerce. Therefore the authority for the intervention of the Federal Government into the nations work places was constituted, which gives the Congress the power to regulate commerce amoung the several states. This power of regulating commerce is splintered, unrestrictive, and all-inclusive.

The Occupational Saftey and Health Act provides a mechanism in the Act, whereby, states can take over enforcement of the standards provided, that the state program is atleast as effective as that program carried on by the United States Secretary of Labor.

At the present time, South Carolina is operating under an approved plan. Section 40-261, of the Code of Laws of South Carolina, gave to the Commissioner of the Labor the authority to promulgate rules and regulations which have the full force and effect of law for the purpose of attaining the highest degree of health and saftey protection of any and all workers working in the state of South Carolina

Some of this authority that the Commissioner promulgated, certain standards, which are additional to those promulgated by the Secretary of Labor. Amoung these is a group which we here concerned specifically related to temporary labor camps. That is found in 29 Code of Federal Regulations Section 1910.142.

In general, the standards set requirements for Temporary Labor Camps which regulate to the following: the location, drainage and cleanliness in the camp site, the construction and up-keep of shelters, the habitability of the shelter including provisions relating to the following: living space ventalation, water supply, toilet facilities, lighting, disposal, insect and rodent control, and first-aid. There are also, a provision for relating to construction and operations of kitchens and dinning halls, and eating facilities.

What I would like to talk abit now is about the enforcement of these standards, as occurs here in the state of South Carolina, so that, you can have a little understanding of how this will work.

First complaince officers, who are employed by the South Carolina Department of Labor, conducts field inspections. If they find any appearent violations of the standards, they write up an Inspection Report, which goes through a process and eventually becomes a citation directed against the employer. This citation may, or may not, be accompanied by a monitary penalty. The Inspector will set a date, which is approved, for an abatement of the violation. After the Compliance Officer's report is reviewed by his supervisor, the citation is issued by the Department of Labor. After receiving the citation, the employer has a twenty (20) day, working day period in which to notify the Department of Labor of his desire to protest the citation. That includes, the protest of the penality, or the abatement period which has been set. If the employer does not do so, the citation becomes the final order of the Commissioner of Labor. If a protest is filed, and, if a formal hearing is requested, then the case is fowarded to the Attorney General's Office, to be handled for the Department of Labor. Thereafter, the case goes before a Hearing Officer, who is appointed by the Commissioner of Labor, and the Hearing Officer, will then take testimony of the Compliance Officer, and any other witnesses for the Department, along with any testimonies for the employer. Having taken the testimonies, the Hearing Officer will give his findings, by way of recommendations, to the Commissioner of Labor. The Commissioner of Labor will there review those findings and issue an order. Thereafter, each dissatisfied party has a right to appeal to the court within thirty (30) days.

At present, two attorneys in our office are working part-time representing the Department of Labor in OSHA cases. Now, this is OSHA cases under the whole Occupational Saftey and Health Act, not just on the Temporary Labor Camps of course.

I am informed that the Department of Labor has conducted inspections and have issued citations for violations of the OSHA Standards which concern Temporary Labor Camps. However, to the present time, no case has gone as far as to reach our office, or to go to a Hearing, or gone to the Courts. They have been taken care of without a protest.

I would like to talk now alittle about the Farm Labor Contractor Registration Act of 1963, and an ammendment in 1974. As you may know, these ammendments, in which we are particularly concerned, were passed by the Congress on December 7, 1974, about ten (10) months ago.

In seeing a need for this legislation, the Congress recognized the following situations. The impact of mechanization, and crop specialization on modern American farming, resulted in a deminished over-all demand for farm workers. However, the periodic need for seasonal labor remained accute. The farmers, growers, packing shed operators had experienced great difficulty in obtaining a sufficeint supply of agricultural labor.

The result has been the immergence and evolution of the Farm Labor Contractor, to a position of prominance, as the primary supplier of the agricultural labor. The Farm Labor Contractor, who is also called the Crew Leader or the Crew Cheif, was not only the recruiter, the hirer, and transporter of the migrant farm workers, but, he acted as the supervisor, forman, paymaster, as well. In addition, he frequently controlled the housing and other vital aspects of the worker's everyday needs.

Congress found that because of these factors, the contractor had been

permitted to exercise an inordinant amount of leverage of the work-play situation, and, that his unchallenged bargining position was clearly detrimental to the farm worker and the farm operator. It was revealed that in many cases, the contractor had exagerated the conditions of employment when he recruited the workers, or that, he had failed to inform them of all their working conditions. He had transported the workers in unsafe vehicles, he had failed to furnish promised housing, or, furnished sub-standard and unsafe housing. He had operated a company store for making unauthorized and unitemized deductions from the worker's paychecks for purchases, and he had paid the workers in cash, without record of units worked, or taxes witheld. Evidence of contractor exploitation in farmers is also found. The contractor would agree to arrive with the crew on a designated day, and then simply fail to show-up, because better opportunites presented themselves elsewere. The more common practice, is for the contractor and crew to leave after the first picking, when, a second and third picking became less profitable. So, in 1963, Congress sought to remidy some of these abuses by inacting the Farm Labor Contractor Registration Act of 1963.

In essence, the Act requires that all contractors, or, crew leaders, be registered with the Secretary of Labor, apon a showing of moral and financial responcibility. Registration is subject to denial, if, an applicant was convicted of certain crimes, failed to perform contracts with farm operators, gave false information or misleading information to the migrant farm worker concerning the terms of farm employment or certain other factors.

The Act required that the crew leaders were to inform each worker, at the time of recruiting of the following things: the expected area of employment, the crops and operations in which he would be employed, the transportation facilities, the types and costs of housing upon arrival of each place of work, the wage rates to be paid, and any charges that the crew leader expected to make for his services. Further, the crew leader manages the housing and is required to post the terms and conditions of occupantcy. He is paymaster and is required to keep payroll records, and deduct from the wages all payments required by Federal law. He is also required to provide insurance on transportation vehicles. Violations of any of the above requirements could result in reprocations of the Registration Certificate, or, in criminal prosecution, can be fined up to $500.00, or both.

In 1974, the Congress found the Act of 1963 had failed to achieve its objectives. It was clear that the provisions of the Act could not be effectivily enforced, and non-compliance was the rule rather that the exception.

The purpose of the Farm Labor Contractor Registration Ammendments of 1974, was to remidy these deficiencies, and to extend the Act's coverage and enforcement mechanisms. The Ammendments deleted the Act's limitational coverage by including intra- as well as inter-state transactions. Although dealings of a purely local and casual nature continued to be exempted from the coverage of the Act. Persons engaged in Farm Labor Contracting within a twenty-five (25) mile intra-state radius for not more that thirteen (13) weeks of each year, were exempted from the Act.

Under the acting Ammendments, all registered contractors are required to carry and disclose this Certificate of Registration at designated times.

The Ammendments place an affirmative duty on persons utilizing the services of the Farm Labor Contractor, that is the Farm Operator, to first, make a determination that the contractor is properly registered, The Ammendments broadened the requirements that the contractors provide employment information to migrant workers, so, as to require that such information must be in writing and must be in the language that the worker is fluent. The Ammendments require that the Farm Labor Contractor establish proof that their vehicles and property meet the Federal and State Saftey and Health Standards, and also that, they provide proof of financial responcibility, or, the vehicle insurance is in effect, in amounts comparable to that required under the Inter-State Commerce Act.

The Ammendments continued the provision of the Act which prohibited Farm Labor Contractors from knowingly employing illegal aliens, The Ammendments contained a new Federal Civil Remidy, which was created for the benefit of persons aggrieved by violations of the Act. Also discrimination against persons who exercise their rights under the Act was prohibited.

In regard to the strengthening of the enforcement mechanisms, the Secretary of Labor was given authority to impose up to a $1000.00 civil penalty for violations of the Act, and maximum potential criminal penalties were increased as follows: for a first offense, a $500.00 fine and/or imprisonment for up to one year; and for any subsequent offence, up to a $10,000.00 penalty and/or imprisonment for up to three years.

The Act is enforced by the Wage and Hour Division of the United States Department of Labor, and, is not enforced by the Attorney General's Office.

**There was a "Question and Answer Session" following Mr. Kolb's address. These questions and answers are listed on the following pages as APPENDIX 1 - A.

"QUESTION AND ANSWER SESSION" BY MR. WADE KOLB, ASSISTANT ATTORNEY GENERAL OF SOUTH CAROLINA, FOLLOWING HIS ADDRESS BEFORE THE SECOND ANNUAL CONFERENCE ON MIGRANT FARM WORKERS, AT THE WADE HAMPTON HOTEL, COLUMBIA, SOUTH CAROLINA, OCTOBER 1, 1975.

Charles Robinson: "You stated that many citations can be issued without a penalty. Do you know of any citations on any farmer, or should I say, growers who have received citations without any penalty? Let me extract that. Do you know of any farmers who have received penalties?"

Wade Kolb: "What I was talking about when I said that, is that you can issue under the OSHA program a citation, and, depending on how the Compliance Officer and his supervisor view the situation, it may or may not be serious enough to warrant a penalty, or, as it gets more serious the penalty would go higher. To the present time, no case where a citation was issued against the farmer, in regard to the migrant labor camp situation has reached my office, and, we have not gone to any hearings on it. I do think that some penalties were issued, and, I do know that some citations were issued, but, I don't really know that information because it has not come to me."

Charles Robinson: "Just one more question seeing as that you are from the Attorney General's Office. If in fact the county owned camps, and the county leased the camps, who would be the party responcible if there was a case where a citation or penalty was posed?"

Wade Kolb: "I will tell you what I know about that, and I hope you will definitely give me the chance to look it up, because I may not have the up-to-date information, but, I do know of an 'Informational Memorandum' which was issued with the people of the OSHA program here in the State. A memorandum was issued which directed that, in the case of citations under the Temporary Labor Camp Standards, that the 'lessor' would not be cited, now that was an exception to it, and I don't know the reasons for it. I'll just tell you that there was an apparently a policy and I am not sure that it is still a policy. Also, in that regard, you may be interested to know that at that time, if the Compliance Officer inspected a Temporary Labor Camp and determined that a citation should be issued then, he would issue a citation against both, the contractor (the crew chief) and the farmer. The Act is designed to cite and penalize employers. In that situation, it is apparently determined that both, the farmer and the crew chief, were the employers, and that has not been litigated as far as I know.

Hiland Davis: "I think that we said that this law only effects people who travel more than twenty-five miles from their homes, then twenty-six miles, doesn't that mean that the farm supervisor must provide the same adequate, safe transportation to the

portation to the employee if he leaves his home and travels twenty-six miles?"

Wade Kolb: "My job was to outline these Acts and tell you as much about them as I can. The fine points, I'm not exactly sure about. I do know that the twenty-five mile radius is an exemption under the Act, if you do not travel in state more than twenty-five miles."

Hiland Davis: 'Now, the next thing that I would like to know, does this effect 'seafood workers'? Are they considered migrants? This is something that needs answering."

Question: "Do the Ammendments have civil remidies? Suppose the contractor moves out of the state, how can you get jurisdiction on something like that?"

Wade Kolb: "Now the Farm Labor Contractor Registration Act is basically on the Federal level. You can bring it in a Federal Court and you have to get jurisdiction of the man. There is a provision in the Act that, upon registration of the Farm Labor Contractor, the Farm Labor Contractor will designate the Secretary of Labor as his agent to accept prosecution. I might mention that this is the problem that may possibly answer the question, in the OSHA rhelm the Act generally for non-serious violation, which means there is not a substantial likelihood that serious bodily injury or death would result from the violation of the standards, and I think in Temporary Labor Camps most often you have non-serious violations. Regarding non-serious violations, the penalty will be fairly small on first inspections, if any penalties are assessed at all. What happened is that I think this past year was the first year that a number of these were made and some citations were issued, either there were no penalties, or, maybe there were some small ones. What may happen, and what happens in the whole rhelm of OSHA, is that, if you cite an employer for violation of the Act, the first time you sort of slap him on the wrist, and then if he comes back and does the same thing again, that's when you get tough. What may come up about harvest time next year is that some of these camps and some of these contractors have been previously cited here by our program for non-serious violations, they come back and repeat the violation in the same place then, the penalty is substantially higher. They are then taken alot more serious."

Hiland Davis: "When your Inspector's go into these camps, do they just go to these camps alone, or, do they go with witnesses, or something like that?"

Wade Kolb: "Under the OSHA program, the Inspector is required to present his credentials to the employer, and the employer has the right to accompany the Inspector on his rounds. The Inspectors that I am talking about are the ones that are inspecting for violations of OSHA standards."

Hiland Davis: "Where are the Inspectors stationed, and how often do they inspect?"

Don Robinson: "The is where do the Inspectors come from? They are forbidden by law to give any previous notice that they are coming for their inspections. They come from the Department of Labor, as well as the Health Department, and when they present their credentials, at the door, if the employer, whoever it is, does not let them in, this is in violation of the law, right there. Very infrequently have we ever been barred from entry, but, we are not allowed to announce that we are coming."

Hiland Davis: "Now I am just wondering, you spoke of slaps on the wrists, and the conditions continuing..."

Don Robinson: "This is covered in the Law too. If the employer receives a citation and after the abatement provision and it is not corrected, then it becomes what is known as 'a willfull violation', which carries a manditory penalty."

Question: "Who is the employer? I heard you make mention to that, is it the contractor, or the farmer?"

Wade Kolb: "There is a definition of 'employer' in the Act, and perhaps, if I read that. In this case the question that has arisen, and as far as I know, it has not been determined accurately. It is just what you say, 'who really is the employer when you have got a Temporary Labor Camp situation.' Is it the Farm Labor Contractor, or the Farmer, who employes the Contractor, and thereby, the Contractor hires the workers. The question then is, when you direct the enforcement capacities against the employer, who are you directing them against, and, as I stated at the present time you direct them against the Farm Operator, and the Labor Contractor."

Hiland Davis: "My concern is, in the case such as in Beaufort county where we have migrant workers settling in the empty shacks, and where some farmers do not have the labor camps, then, who checks these out (ex: the number of people that they are housing, and the conditions that exist in these houses)?"

Wade Kolb: "I will make note of that, and, hopefully someone later on in the program will be able to answer that question for you."

Charles Robinson: "If the fact that the State or County had their own camps, and they would lease the camps to the contractor, who is the lessee and the grower signed as the garantor of the payment or rent, and camp is found in violation of OSHA rules and regulations and complaints were filed against both, the contractor and the grower, who should the State Department of Labor cite?"

Wade Kolb: "I dont think that I could answer that satisfactorily

right now. This has never been brought to my attention before, but, I have really found the answer for it, and have never been asked to check into it. All I know is that the Department of Labor has a policy that you could direct a citation against the lessor, and the citation that you mentioned goes a little bit farther than that. You just don't have a labor camp owned by a grower, and he leases it to the Labor Contractor, you are talking about owned by the county, and the county leases it to the grower, and the grower signs the lease as the garantor of the payment, that goes it alittle beyond it now. I would think you would cite the grower. It would be alittle more difficult to show that he was the employer under this situation than it would be, when he has to own the camp. I am not sure about that, and I will have to look into that."

Charles Robinson: "If you look at all the relevent facts, that he is one that the contractor is working for, he is the one that is responcible for the payment. By what reason would he have to place his name on the lease agreement as the 'garantor of payment' unless he has some primary intrest?"

Question: "What kind of cooperation have you gotten from the farmers when citations have been issued?"

Wade Kolb: "I don't know that much about it, as I stated I have not had any cases yet where we went to a 'formal hearing' on a citation against either, the grower, or the farm labor contractor. As I have explained, the enforcement mechanisms, a good deal can happen before a case is ever refered to us. The person who is cited can just decide that they do not want to contest the case. Also something that I did not mention is, that once a citation is issued and the employer decides to protest the citation, he can ask for an informal hearing with the Department before that twenty day working period is up for the contest, and, during that time there may be some satisfactory adjustment and he may not want to go on to the formal hearing. I don't know how far the cases have gone, none have reached my office."

Don Robinson: "You might mention that, it is incumbent on the employer to notify the employee in the case that a hearing has been requested."

Wade Kolb: "That is correct. The proceedure does require that when the citation is issued that it is posted to give notice to the employees, and then, if the employer decides to contest the citation, you must post it, where it can be seen by the employees...a notice which informs them of their rights to appear at the hearing, or to make a contest themselves."

Question: "Is there any way that the people who enforce these regulations know in advance where migrants are to be housed?"

Wade Kolb: "I hate to keep saying this, but I think that Mr. Lybrand will better know more about this, but, I do think they know where most of the camps are. They do not tell anybody except the Inspector, and that, as Dr. Robinson mentioned, is against the Law, to give advance notice of inspection, but I can see what you mean, that if they never know about it, they will never be able to give an inspection. I am sure that they would welcome your help if you know about one that has never been inspected, then I suggest that you tell them about it."

Question: "The Employee Representative has the right to accompany the Inspector, am I correct? And, they must serve notice on the Employer Representative, isn't that correct?"

Wade Kolb: "No. To serve notice, then they would know in advance when an inspection is going to occur."

Question: "Well, if that is what the Employee Representative is to do, to accompany the Inspector, then, how will they.."

Don Robinson: "The way that is covered Counselor, is that when the Inspector arrives he is required to have, what is known as a 'Pre-conference.' At that point, he inquires of the employer, if there is a union, or, if there is an organization of employees, and, or, if any employee who this would fall on. Then it is incumbent on the employer to come up with this information, and it is also incumbent on the Inspector to make sure when he make his inspection, that he is accompanied by an Employee Representative, and this is required, but, that is all done on the spot, bang. No one is supposed to know when the Inspector is going to be there. When we walk in the door, and present our credentials, at that point is when the Inspector asks to have the Employee Representative, and in the case of Unions, then of course the stewards are the ones requested. Suppose the Employee Representative is the crew cheif, is he an employer or an employee? So you have alittle problem in that case."

Hiland Davis: "There is one thing that you said, that the farmer has twenty days to appeal. It would appear that most seasons, whether vegetable or fruit seasons, go over twenty or thrity days only. It could be less expensive for a farmer to pay a $500.00 fine and let the condition continue. Whereas, if there were a deeper, higher fine or, a shorter abatement period, he may not let these conditions exist."

Wade Kolb: "Of course economic conditions also join in with any consideration of whether or to go to court on a certain matter. What I mentioned, a repeat violation brings a stiffer fine or penalty. Thank you ladies and gentlemen for you time and interest."

SECOND ADDRESS BY MR. GENE HARRIS, SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, BEFORE THE SECOND ANNUAL CONFERENCE ON MIGRANT FARM WORKERS, AT THE WADE HAMPTON HOTEL, COLUMBIA, SOUTH CAROLINA, OCTOBER 1, 1975.

Thank you Mr. Clarke. I'd like to give you a brief run-down on the Migrant Health Programs in South Carolina.

For a number of years in the past there were two migrant health programs in the state. One was in Charleston county and the other was in Beaufort. These two were both seperate programs, each was funded seperately but the funds in both cases came from H.E.W.

Two years ago, two additional programs were funded as spin-off grants out of the Charleston grant. These programs were in Edgefield, and Spartanburg counties.

In 1974, a decision was reached by the Department of Health and Environmental Control in conjunction with H.E.W., that one statewide migrant program under the control and guidence of the Department of Health and Environmental was the best possible solution for the present counties.

In January of 1975 a state office was established in Charleston rather than in Columbia because most of the migrants who come into South Carolina are found in either Charleston or Beaufort counties.

This year a grant from H.E.W. was awarded to the Department of Health and Environmental Control in the amount of $195,183.00 to enable the program to expand statewide within the usual funding. Early in the year a decision was made to continue the four on going programs. Charleston and Beaufort at the level of last years funding, and increasing the funding to Edgefield and Spartanburg counties, and to open a new program in Oconee county. The objectives of all these component programs are the same which is essentially the broadest level possible of primary health care. The methods that each has to use to acheive this varied conciderably.

In Charleston evening clinics were held in the three county owned labor camps, that you have already been hearing about, and these are in the three principle migrant areas, Edisto Island, John's Island, and Mount Pleasant. Evening clinics were essentially family oriented, general service clinics experienced usual common complaints common to migrantory workers, such as impetigo skin problems, respritory ailments, hypertension, and diarrhea, and G.I. upset principly amoung the children. In addition to the evening clinics, sick call was held each day at noon the three labor camps. School nurses also visited the day-care sites, they did that on a daily basis. As a vital back-up to the primary care programs Charleston County Emergency Hospital, the emergency room in the hospital was utilized. The Medical University offered outpatient department services and specialty clinics. The Doctors that were used in the evening clinics were senior residents in the department of family practice in the Medical University. There were 249 patients seen in the evening clinics, there were 50 in the out-patient department, 85 in the emergency room, and 23 seen in the Health Department clinics. During sick call in day-care center visits there were a total of 166 patient visits. All in all 407 patients were seen resulting in 635 patient visits.

Program Fuel Technicians would register 1,483 migrants, the majority of who were Spanish speaking.

In Beaufort county they held evening clinics five nights a week, in the Health Department during the month of June. As in all programs, these clinics essentially on primary health care delivery. The Health Department in Beaufort is unable to take the clinics to the migrants in the county because that have got some forty labor camps, most of them are fairly small, and they are scattered all over the county. So migrants are brought, the ones that don't have transportation, are brought into the evening clinics by Health Department personnel, and using their own vehicles. The program relied heavily on Beaufort County Memorial Hospital private practitioners. This gave them the out-patient capacity and emergency room assistance.

The evening clinics had 776 patients, with 917 patient visits, and 50 patients were seen in that emergency room. The Field Techs there registered 1,287 migrants.

The Edgefield County Migrant Program was assisted by personnel from the East Coast Migrant Ministry. The Ministry assigned one registered nurse, and one family health worker to assist in the program, and their salaries were paid by the East Coast Program. The evening clinics were held once a week in the Health Department in the little town of Johnston, and office space was donated by County Council for administrative purposes. The evening clinics saw 442 patients there, 777 patient visits, and 6 emergency visits. I estimate that they had between 750 and 900 migrants this year in Edgefield county.

In Spartanburg County the programs contracted Spartanburg General Hospital and was placed under the supervision of the Director of Ambulatory Care Services. They held evening clinics for five nights a week, tapering off as the demand for this need deminished. These clinics were backed up of course by the full range of services found in a large county hospital, and this includes out-patient departments, emergency room care, and many specialty clinics. It was offered in cooperation with the Spartanburg County Health Department and they saw 342 patients, 585 patient visits. The estimate by local people of the migrants in that area will run somewhere between 1,500 and 2,000 people.

This year for the first time the program moved into Oconee County to help provide services to the apple harvesters of that area. The county wide programs was sponsored by the Oconee County Migrant Ministry. Patients are being seen in the Memorial Clinic and County Hospital. We don't have a great deal of information on this program because it is still on-going at the moment. I can't give you even an estimate of the number of migrants at the moment in the area, but I will have these figures towards the end of this month.

For the four programs completed, this means that we saw a total of 1,967 patients out of a total of 3,720 migrants in those four areas. It is obvious from these figures that the clinics, out-patient departments and emergency rooms are being heavily utilized. This is running about 53 per-cent. Of course this doesn't differenciate. This includes the man with the gunshot wound, or a person coming in for asprins.

Now even if we reduce these figures, which I think we will probably have to do as we get more and more information in on more of a statewide basis, but if we get them down to 33 percent, that would be extremely heavy useage. I can't give you any unit cost figures at the moment as much as I would like to because that is impossible until we get all of the State expenditures in and have an opportunity to reduce our cost to some comparable figure.

As to what this project can expect next year in the way of funding the following has to be considered. The Health Service bill became law in July 29, 1975, but until the appropriations measure has been passed, we'll go on this level of funding. Appearantly Congress is willing to fund programs at last year's level. President Ford has indicated that he will veto any measure that comes up that is in excess of his budget request. If his budget does privail, this will mean a 19 percent cut across the board for this program. In South Carolina that means something like $37,000 a year. This is more than the amount spent by the second largest program. In this takes place it will require programs adjustments but I am hopeful that we can maintain the present five by possibly cutting certain expeditures in each of those programs.

In looking back at this past season, I have to say that for a first year of State program, it was a reasonably sucessful year. We made all of the mistakes that we really thought that we were going to make, ans ome that we didn't know existed, but we hope to be able to eliminate these next year. The weaknesses which became obvious to me after one year's experience of this; first of all the migrants arrived in South Carolina with little or no information on past illnesses, allergies, immunizations,etc.; inability to pay in-patient costs to county hospitals, therefore they have to write them off as uncollectable; difficulty in reaching migrants that have moved upstream and have been diagnosed as having a condition which requires treatment, and sometimes immediately; the lack of sufficient funds for dental programs; the lack of transportation for migrants; shortage of M.D.'s in some areas; communication, more and more migrants are Spanish speaking.

In closing, I would like to call attention to, and commend several agenices outside of the State system which cooperated with and supported the State programs. I have reference to the East Coast Migrant Ministry, South Carolina Resources Development Corporation, and the South Carolina Farm Workers Commission. The East Coast organization was active in the Edgefield Program; while support was received from the Development Corporation in Edgefield, Spartanburg, and Occonee counties; the South Carolina Farm Workers Commission were in assistance to the programs to the Sea Island, south of Charleston. We would like to express our gratitude to these organizations, and we certainly do encourage further cooperation with them as we see that this is the best way to have the best possible, and broadest that we can for the migrants of South Carolina.

KEYNOTE ADDRESS BY DR. MYRTLE REUL, DIRECTOR OF THE AFFIRMATIVE ACTION PROGRAM, UNIVERSITY OF GEORGIA, BEFORE THE SECOND ANNUAL CONFERENCE ON MIGRANT FARM WORKERS, AT THE WADE HAMPTON HOTEL, COLUMBIA, SOUTH CAROLINA, OCTOBER 1, 1975.

Thank you Mr. Ross. In thinking about what to share with you this afternoon, after I had the call from Mr. Toy asking me if I would come, I debated about many things because there are many different kinds of issues within the area of migrant farm workers that we could examine.

One of the difficulties that there has been with the problems, with issues, with interest in migrant work which has gone back actually into the history of the United States to the Colonial Period of this nation, where the questions were very simple and simular to what they are today, and the kinds of questions that have been asked for ten years, twenty years, thirty years, forty years are the same kind of questions that keep coming up. Who are the migrants? What are their needs? What is it they want? What are the conditions under which they live? What are the experiences that they have?

One of the reasons that it has been so extremely difficult to try to pin all of this down because of those of you that are looking at it from many diffrent aspects know that there are contridictions. We hear certain things described in one way, and we can go down the road not more than a mile see just the opposite. If we look at it through the viewpoint of the migrant, it's quite different. If we look at it through the viewpoint of the grower, it is entirely different. If we were to spend time talking with our growers at this conference about what it is like to harvest, and to plant, and to support, and to get a crop out, we are talking about peaches, we are talking about tobacco, and we are talking about cotton, it would be quite different.

I could share with you from personal experiences, and there have been many experiences as a migrant worker, times in which my husband and I earned our livelihood in the fields as migrant workers. I could share with you from the viewpoint of someone that has employed migrant workers, from a family that has been growers. I could share with you many different kinds of aspects, and because I do have a tendency to go over on this tangent, I sort of pulled together this morning a few points that I want to make, and share with you, then throw it open and see, do we have questions, do we have issues that we want to look at together.

The questions that are there are the same that I have indicated that we have had for many years, and yet every state in the United States employes migrants. Although the number of migrant workers are decreasing in numbers, we still find that migrants are traveling a greater distance than they have ever traveled before, and the migrants of 1975, though they are fewer in number, have different kinds of experiences and also greater needs than the migrants had in 1965, 1955, 1945. One of the reasons for this being that they are more knowledgeable of their rights. Another reason being that they are having to travel a greater distance in order to obtain work. If we look geographically at the map of the United States we would find that there really are only three places in this country where a migrant worker can find year-round employment, and then it is in a series of crops. That is in the southern most tip point of Texas, the

central part of California, and part of the state of Florida, and even there two months out of the year, there is practically no work at all for migrants.

In South Carolina, we depend entirely apon what part of the State we are talking about. Migrant workers come in to South Carolina approximately no earlier than mid-January, and very few then. But the bulk of workers are here as all of you know in June, July, and August, and are we talking about Sand Hill, are we talking about the low area of the state, are talking about the western Piedmont area? Are we talking about tobacco, are we talking about peaches, are we talking about spring vegetables or tomatoes? Numbers of migrants now may veri and this has created all kinds of confusion, and you find that migrants are counted, and recounted, and many are never counted at all, and even in the kind of ideal program that I heard described this morning, and I was very proud of South Carolina in many ways as I sat there listening to you, even in that kind of program there is still in 1975 migrants that falling between that are not being reached, and are not able to reach out, even though they know their rights better than they knew their rights ten years ago thanks to an awful lot of work that has been done.

So we are finding then a very high degree of frustration. There also is one other aspect of this that has never been recognized and this has to do with the number of migrant workers who are female. While the total is dropping the percentage is dropping, you may not be aware that approximately twenty (20) percent of all migrant workers in the United States are female. Most of these women are heads of households, some of them are Crew Leaders, and all of them carry along with the resoncibility of work in the field, traditional kinds of patterns in which they have total responcibility of child care, which they may or may not delegate to other family members, but they carry on their shoulder a good deal of extra kinds of responcibility. In this year where we are becoming more aware of the needs of women, this is something that those of us who are concerned about migrants need to be very much aware of. Many of these women too are watching programs, and are hearing programs, and are understanding that there are going to be more equal kinds of assesments and some of them are being rapidly disolusioned by things that they may be experiencing or seeing around them. The commonalities of all migrants have, whether we are talking about blacks, Spanish, whether we are talking about American Indians, or whites, whether we are talking about workers in South Carolina, or any other part of the country, those that travel several thousands of miles, or those that travel only a few hundred miles. The commonalities that they have are of poverty. Even in a day when wages have increased, we have considered the high costs of travel, the high cost of living, the poverty has not changed, and we would have to admit that the migrant worker is still on the lower end of the totem-pole, and even worse off in many situations economically than before. Ten years ago, twenty years ago a migrant could come off the road broke, and could come to relatives or family or even friends, and sometimes aquaintances who have been abit more fortunate. Today with the high cost of food it is more difficult for relatives to reach out and to take in, and so we may find then less even economically for this segment of our population than they have known previously. There has always been a struggle for self-esteem on the part of the person in this kind of a position. It is very real.

One of the ways that you cope with the reality of things that are happenings is to have some sort of a dream, and as with all Americans it's more difficult to maintain a dream now than it perhaps was in the past. So for migrants it also is difficult for them to sustain a dream. Without the dream, without the fantasies one may try escapes in other ways, and so we find an increase in alcholism, and we find increase in accidents and we find health problems, but let's for a moment, that is we find these amoung the total population, and we find these also amoung the migrants, but let's for just a few minutes look at what some of the dreams are still in 1975, much the same as they have been in the past.

Migrants have always become migrant workers because they were highly motivated to try to take care of themselves, and to take care of their family members. They have left an area where they lived, and where they had emotional kinds of roots, and they have gone forth simply because they felt in this way. The dream that they had might have been for an education for their children as you all know. It may have been for a home. It may have been for something, that to others might not seem too important, but it was all a part of the emotional dream of the individual. The same kind of dream that other Americans may have.

Pedro Lopes we know in Florida, he was a part of the eastern stream that traveled up and down the coast, Pedro was from Puerto Rico. He came here to the United States and worked approximately eight months out of each year blocking indigo for the most part because that was the particular crop that he could earn the most money in. He crawled on his hands and knees back and forth across the field leaving his family in Puerto Rico, saving his money, and making what to many who didn't understand what he was going through making what sounded like a fantastic amount of money because at that point and time making $2.50 per blocking a row of indigo one half mile in length. Pedro was able to make on some days, not every day, as much as forty dollars. A fantastic amount of money said those in the community who may not have understood what he was doing in order to earn that kind of money, that also may not have understood what it was he had by way of his dream, and his asperation in taking that money and going back to Puerto Rico to build a house. He carried with him also each year a picture of the progress of that house as it was put together. Now looking at it from the eyes of someone who understands building and structure, it probably by design was not too ideal. It was a part of his dream.

We met Annabella in the apples of the Shanandoah valley. We worked with her. At that point Annabella was almost sixty-five years of age. She was black. She had with her an eight year old great-grandson, and in one area as she traveled with him she sent him back home to Georgia because the language of the crew was such that she did not want her grandson exposed to that sort of behavior. Annabella took all the money that she earned in the Shanandoah valley two summers working in the apples and with her lamed leg proped up on a box, reaching up, setting down sometimes, getting back up and working, and setting down and rubbing her aching leg, took all the money that she earned those two summers and she bought two things: she bought a brite-red davenport, and a color television set. And there were some who worked in the orchards, and in particular the growers wife, in the situation thought that was a ridiculous waste of money. Why didn't that women take what she had worked so hard to earn and save it, because surely she was going to become a public charge very shortly. She would not be able to haul the crops. Why shouldn't she

save her money and use it more constructively than for those two items. This was long before we moved to the state of Georgia and my husband and I have the opportunity to visit Annabella many months later in her home and I'd like to share with you alittle bit more about her and alittle bit more about her dream.

Annabella grew up in the cotton economy of Georgia. Her husband died and left her as a widow with six children. She continued to work in the cotton and doing maid service in homes until the machinery moved in in her area. She found that with apples that the dexterity of picking cotton, she could pick apples and do fairly well. She tried cutting celery in Florida and that just didn't work so well. She put her children through school by herself because her asperation or her dream for herself, her children, and her people was that they get as good an education as they could. The little home that she had, not too far from Atlanta, was spotless. It also was over-sized in terms of the furniture rather than the rooms, with the large red davenport and the large colored television set, but this is what she said, "I want my great-grandson someday to go to the University of Georgia," it was a relative in the family that was a maid there, "or I want him to finish college. I want my grand-children to go on to something better, and I want to have a home that they will know how to do things in that they will not be afraid in someone else's home because they have been around nice things." And so her dream and asperation then was to take the money that she earned, and if you never picked apples, try it sometime, that's not the hardest by any means of the crops to harvest but you do get pretty tired, and at that age it was amazing when and what she was able to do, but in order to provide a home that in someway could offer the kind of environment that she wanted her children to have in terms of their future, so they too could be proud of the home that they came from, and not ever have to be ashamed, but more than anything else that they would know how to behave around things that were nice. Dream and asperation yes, the sort of thing that not only motivated and kept Annabelle and Pedro moving forward with something that was constructive but also helped to sustain. Now I can tell you about any number of others, people who we have met that were stranded who had dreams, even in the midst of no food and no work.

If you have seen one potatoe divided amoung an entire family because that was all there was to eat, and no other place to obtain any other additional food. If on the other hand you have stood with a grower and watched the emotional pain as well as almost physical agony when a field has been almost completely destroyed, so there is pain. There is pain on the part of many who are involved in all of this. But the fantasy of keeping the movement, and keeping something going that is positive. One stranded family that we met, their asperation and dream was to someday have a marker for an unmarked grave of a child of their's, a baby that have died while they were on the migrant trail. The child that died when they were unable to get medical care, when they had walked in and had tried to get someone, and have not been able to find any help. They finally walked in with a dead baby in their arms, and the pain that the family went through during the investigation and yet when you look at it through eyes of those that were doing it, they probably did not contend for it to be conveyed in that way, but what came across to that family was that somehow or another they must have been responcible for the death of that child. What have they given the child to eat, how had they treated the child, had there been any abuse, and they were bewildered and hurt and left finally, driving as they

said, without even talking hour after hour driving, only stopping to get gasoline, to get away from that awful place, where they had left a part of themselves. They took their grief and kept it inside. The father used to sing to that baby, the mother said he never sang after that. Sarah said that she didn't cry either until it was the anniversary of the little girl's birthday, and then she walked away from the car because of most of the time the family was stranded in the car, they weren't in housing even. She walked away from the car, and finally reached a point under a tree, and she laid on the ground and she cried and cried. What she remembered was the tracery of sunbeams that came down through the leaves as she lay there weeping. She returned back to the car and she said Jake never asked her where she had been, but he put his arms straight around her shoulders and gripped them until it hurt, and she knew somehow or the other he understood but he never cried. Alright, their dream in the midst of all of this, was to have something tangible to take back, a marker for the grave once they had returned back to their community, but they didn't know where to go to look for the grave, and the cemetary had apparently been enlarged, and they weren't sure they had found it, and they didn't feel they had the right to ask because they had really no tangible reason for being there. Now this may seem strange. But, that particular family they are white, they came out of the mountians of Kentucky, and if you know anything at all about the mountian culture, you know that the marking of the grave is terribly important. One does not desert and leave ones kinfolk in that way. So if they could go with a marker to their asperation and dream, even in the midst of nothing, in the Florida Everglades where they were stranded with some twenty cents in cash, and less than two gallons of gasoline in their tank, and there had been a freeze in the Everglades, and there was no work. Yet in the midst of all of this as each day they would go to look for work and come back each, the dream as they talked about the future was when we hung a marker for Dosie's grave, and can then go forth with this. Now without this kind of a dream, one might give up. I could spend the whole afternoon telling just about that one family and all that has and did happen to various family members. So we find then that a dream or fantasy is what keeps the migrants going.

The future. We look in terms of what is happening to the crops and what is happening in terms of transportation, the automation, the future is getting more so dismal if one is going to rely entirely on this type of work for a livelihood. So we will find fewer and fewer migrants, we will also find that those who drop out are going to have to somehow or another be made an important part of the community, and part of the problem in the past has been that the migrant has been identified as a problem. That has been part of the problem. It has been identified in a way that you have in which, that it is everybody else's problem, rather than trying to look at it in terms of a total, and so people have often been lost in the shuffle. Growers have been accused by communities for many many years, but this was the growers problem because there wasn't crops and there wouldn't be any migrants. It has been identified as a health problem, and there have been communities that have been terribly concerned because of the drainage as they saw it on their health facility, and expenses. There have been those that have said it is a welfare problem and people have become stranded and have needed food stamps, they have needed programs from the Welfare Department, education has seen it as a problem in which sometimes they have thrown up their hands because suddenly classrooms were filled with children who often didn't have with them the records to even say where they were, so people have tended to shrug it off. The North have said it is the South's problem. Texas has said it belongs to New

Jersey because the people have been gone too long from Texas to be residents there. Carolina has said that they are only passing through, and therefore they don't belong really to us they belong either to Florida or to New York state. New York has said they are Florida's, and Florida has said, no they are New York's, and so on. And, it is only temporary and therefore it will go away, and this was said prior to the turn of the century, it was said in 1920, 1930, 1940, 1950, 1960, and even 1975.

The issue really is, that we are talking about people. People that are our people, not somebody else, but, our people. They are individuals that represent all kinds of backgrounds and all kinds of experiences, you find migrants that are very well educated, you will find migrants that cannot read or write, never been to school one day of their lives. You will find migrants who have had all kinds of backgrounds and experiences, the same as you will find people with all kinds. Some are healthy, some are sick, some are emotionally stable, some are mentally ill, but we are talking about people.

I get terribly concerned when I hear constantly references being made in numbers rather than almost a case by case approach to people. We are dealing with all kinds. We are dealing with individuals who have brought their cultures with them, their prior expenciences. They need to have a community reach out. They will adjust only as well as their community reaches out and makes them a part of. We rely too much, we demand too much of the new-comer. We ask the new-comer to adjust rather than saying it is our problem. If we want to use a word like problem, we should say it belongs to all of us, to the growers, to those in agencies, to migrants themselves, to the community, to governmental agencies, to the national picture. to the local picture, to all sections of the country.

On behalf of the migrants who don't always have the chance to say thank-you, in behalf of the migrants, as a former migrant, and as someone deeply concerned with their plite, I will say to all of you, thank-you, for having this type of conference. Thank-you also for caring enough to meet together, and what I have heard each of you say this morning as you raised your questions was, that in South Carolina we are willing to look at it and to work together, rather than working against each other. Only by uniteing and trying to see the issues, and the commonalities of those issues can anything be done. It's when we begin to throw issues toward others, that we end up not helping at all. It's an admireable sight, this conference, and thank-you for letting me come.

THIRD ADDRESS BY MR. JOE GOSCINSKI, UNITED STATES DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, BEFORE THE SECOND ANNUAL CONFERENCE ON MIGRANT FARM WORKERS, AT THE WADE HAMPTON HOTEL, COLUMBIA, SOUTH CAROLINA, OCTOBER 1, 1975.

Thank you Mr. Clarke. Mr. Clarke mentioned that I am with the United States Department of Labor, Wage and Hour Division. The Wage and Hour Division is the agency which is empowered to enforce this Farm Labor Contractor Registration Act, and the other acts that effect the crew leaders and the farmer grower, and migrant workers.

As Mr. Kolb explained the law and so forth, and at this time I would like to go into the area of what type of violations that we are finding, and to bring us up to date on this, there is a Court Injunction on the Secretary of Labor to enforce this Farm Labor Contractor Registration Act, and I will say, and again I cannot quote statistics as I do not know how many court cases have been filed on crew leaders, and or possilby the farmers or growers. The Secretary of Labor is under injunction to enforce this law and they have been suites filed here, not necessarily in South Carolina, primarily in other states in reference to this Act.

The violations that we have been finding are that crew leaders are required to register with the Secretary of the Department of Labor and under this they are supposed to have insurance if they are going to transport migrants, also where the law requires them to notify the migrant worker in writing of the conditions, where they are going to be working, the amount of pay and etc; posting of these conditions, and posting of the housing conditions, and also in keeping the proper records in reference to this Act.

Also due to the new ammendments in 1974, one of the requirements is that there are sections in the law that effect the grower-farmer. Before a farmer hires a crew leader and his crew to come in, he must establish that this crew leader is registered, that does not mean that he just ask the crew leader if he is registered, he must obtain verification, the registration card that the crew leader must carry on him to show the farmer and any representative that is there to enforce this law. Also under these new ammendments the crew leader has to keep records on the rate of pay that these migrant workers are going to be paid, hours worked each day or week, show the gross pay and any deductions from this gross pay. The crew leader must also furnish the migrant worker a statement showing his total pay and the deductions from this pay. We have noticed also under these ammendments the grower is required to get a copy of this payroll from the crew leader. Under the law also the crew leader must give the farmer this copy of his payroll to the farmer-grower whoever he is working for. We have been noticing that alot of them have been stopping, they are not following through with all of the requirements. They do not show on their records deductions for like food, cigarettes, wines, wiskeys, and etc. Some of these crew leaders also are not or do not have records to support their deductions for these items. They are charging overage other than what they are costing them. With the injunction I am sure that the enforcement will get into catching other crew leaders that are not registered, crew leaders that are not making the proper deductions and etc.

Also in reference to our work we also have another law that would

apply to a Farm Labor Contractor, which would be your Fair Labor Standards Act. which alot of people refer to as the Minimum Wage Law. Some we are finding violations in this area were some of these pickers are not able to come up to the minimum wage, which at the present time is $1.80, it will eventually reach the level of $2.30 in two years. If the picker does not come up to the minimum wage then the crew leader has to bring them up to the minimum wage. Also in this area, there has been court cases and also where both the grower and the crew leader have been held liable in reference to these minimum wage violations. It all depends on the facts of each case, what control does the grower have over the crew leader, and etc. So therefore, it could be a joint liability, or it could be a seperate liability.

There were some pamphlets distributed in reference to the Registration Act. You will notice on page three it mentions that growers are prohibited from using unregistered crew leaders. I refers that only the grower must determine that the crew leader is registered, plus, in this section 14, it requires that the farmer-grower also get a copy of the crew leaders payroll, and that is not mentioned in this pamphlet, and you might want to make a note of that.

I believe that the gentleman over here had a question this morning about who is the crew leader if local individuals go to a farm and work, that individual farmer himself is the employer and he is not a crew leader, and therefore they would not come under this Act here. That twenty-five mile radius for intra-state, refers to the twenty-five mile radius from the resident of the intra-state crew leader. The individual who is hiring, soliciting, and or transporting these migrants to a grower, and he goes twenty-five miles from his residence, he is crew leader and is subject to this law.

Another ammendment to the law was that, prior to the 1974 ammendment the crew leader had to have ten or more migrants to be required to registered, that law was ammended last year and is interpreted to mean just one, exclusive of the family. This has to be the immediate family.

Under the Wage and Hour law the crew leader has to follow the Child Labor regulations. They cannot have anyone under sixteen working during school hours, also no one under the age of twelve cannot work on agriculture. There has been due to the 1974 Ammendments there are penalties now that can be proposed without going through the courts in the Child Labor regulations, and I think the penalties can go up to one thousand dollars maximum. They use to, prior to the 1974 Ammendments, to get monitary penalties on it, it would have to go through court. There are exceptions to the twelve year old regulation, like the small farmer who would normally not have 500 man-days during the prior year, then a minor under twelve could work on this small farm. Then another exception is working with their parents consent. The Federal Department of Labor, Wage and Hour Division, and the State Department of Labor are the ones incharge of the enforcement of this law.

There are many agencies and organizations that are involved in enforcing these reguations but the United States Department of Labor, the Wage and Hour Division is the main agency responsible for the enforcement of these laws. In South Carolina we have offices here in Spartanburg, Greenville, Columbia, Florence and Charleston. You have

your Rural Manpower Employment Service agencies, and more of those are in other locations. Primarily we are the agency that enforces the law. We all try to work together in resolving the problems that are reported to us.

We are running behind schedule, and I will be happy to answer to answer any questions that you have after the meeting. Thank you very much for your assistance and interest in my part of this conference.

FOURTH ADDRESS BY MR. WILLIAM LYBRAND, DIRECTOR OF THE OCCUPATIONAL SAFTEY AND HEALTH PROGRAM, SOUTH CAROLINA DEPARTMENT OF LABOR, BEFORE THE SECOND ANNUAL CONFERENCE ON MIGRANT FARM WORKERS, AT THE WADE HAMPTON HOTEL, COLUMBIA, SOUTH CAROLINA, OCTOBER 1, 1975.

Since we are running behind schedule, I will just make some brief remarks, and I will turn the floor open for questions, as I understand there were some this morning. If I don't have the answers ready I will try to find them for you at a later date.

In looking a the program, most of the subjects that you have been covering today, have been the acts that are aimed directly at migrant labor, but that is not my case. In OSHA, OSHA was a law passed to protect all employees. So if any employer in the State has who has one employee is covered by the Occupational Saftey and Health Act. Now, there are quite a few standards that you have to comply with, or that an employer has to comply with. If you are not familiar with them, and you are an employer you definitely should get a copy.

On Feburary 15, 1972 is when the standards went into effect. In the beginning agricultural populations were not covered. But we felt there was a need.

Right now, there are only five standards that apply to agricultural operations. One is the standard on Temporary Labor Camps, the second one is the storage and handling of anhydrous ammonia, the third is pulpwood logging, a standard on slow moving vehicles, and the latest one that you may not be familiar with is the requirement for rollover protection structure on agricultural tractors, now this is one of the latest and I will talk about that alittle later.

So you can see, we don't have a standard that applies directly to migrants, even the standards on temporary housing or labor camps is not a standard that applies to only migrant labor camps, it is a standard that applies to any work-place for any employer who has these facilites for employees. At this time there are some proposed changes to that, they are even changing the title from Temporary Labor Camps to Employment Related Housing. If a farmer does have these facilities on his farm, and he is using migrant labor, and they are living there, then, he has got to meet these standards.

Rather than to go into any great detail as to what those standards require I would advise you to write us to get a copy of the standards as well as the proposed changes, so that you will know what you have got, or, what standards the camp has to come up to.

Let me get this roll-over protection out of the way and then we will talk about the labor camp situation. The requirements for the roll-over protection for agricultural tractors, is published in the Federal Register April 25, 1975, and in the State we will adopt these same standards. The definition of an agricultural tractor is a tractor with a twenty engine horsepower or more. So any tractors which are manufactured after October 25, 1976, has to meet these standards with a few exceptions. If it is a low profile tractor used in an orchard, vineyard, crop yard, with a vertical clearence requirements would substantially interfere with normal operations, then they would not be required. The definition of a low profile is one

definition of a low profile tractor is one in which the front wheel spacing is equal to the rear wheel spacing. A clearence from the tractor chasis to the ground does not exceed eighteen inches. Also the highest point of the hood does not exceed sixty inches. The tractor is designed so that the operator straddles the transmission. So if you don't have a low profile tractor that is being used in an orchard, and all of the rest of the tractors in your operation, where you have employees operating them, after October 25, 1976, you will have to have roll-over protection. This is not retroactive, it is just any tractor manufactured after that date that you purchase must have this protection.

As far as the Temporary Labor Camps, I'll just briefly mention some of the areas that you will have to comply with. It tells you where your camps have to be located, they have to be properly drained, and so forth. It tells you how many feet there has to be from the living quarters to the nearest privy. It tells you how these privies have to be built. It tells you how the shelters have to be built. It states that each room used for sleeping purposes shall contain at least fifty square feet of floor space for each occupant. It increases up to sixty if you have to cook and sleep in the same room. It tells you how far apart you have to space your faucets. It prohibits the use of triple decked bunks. It tells you how the floors have be. As I mentioned it says in camps where cooking facilities are used, it states that the ratio is one stove for ten persons, or one stove for two families shall be provided and enclosed in screened shelters. Sanitary facilities shall be provided for storing and preparing food. Adequate and convenient water supply, approved by the proper Health Authorities shall be provided in each camp for drinking, cooking and bathing and laundry purposes. In the proposed changes in these standards it says that you have got to have hot and cold water. Toilet rooms shall be located within in two hundred feet of each sleeping room door. Each toilet room shall be lighted naturally or artificially by a safe type of lighting at all hours of the day and night. Also they have to be screened properly, and this is one violation that we find quite often, that they are not properly screened or ventiliated or are not properly marked, and usually once you get in there there is not paper. Laundry, hand-washing, and bathing facilities shall be provided in the following ratio. The hand-washing basin per family shall be, or to each six persons who share the facility. A shower head for every ten persons. Laundry tray or tub for every thirty persons. It also covers that adequate first-aid facilities approved by Health Authorities shall be maintained and made available. You have to report any community diseases. So, the standard on Housing only covers two pages in the present standards.

The proposed changes does require some additional things. Right now if you are a farmer these are the only five standards that you have to worry about. Whereas in general industry and other employers you have hundreds of them. The proposed changes will require some additional things. For example, there will be fire protection, your wiring will have to conform to the National Electrical Code, where at the present time it does not. Eventually, I think they will probably pass additional standards as far as gardening machinery and so forth, so gradually I think that we will be providing pretty good coverage to the farm worker.

In addition to these standards that I have mentioned that if the farmer had this past year more than ten employees he must also maintain occupational injury and illness insurance. He must also post a poster

informing the employees of what their rights and protections are under the law. If you don't do these things there can be penalties. A violation of any of the standards that we have, whether it is record keeping, keeping these posters up, or a violation of any of the five standards can result in us issuing a citation and or a penalty on each one of these. It is pretty stiff. If you have had the experience of having a citations and/or a penalty, and you are supposed to post that citation for three days or until you have those items corrected, and if you fail to do that that is a $500.00 fine.

This past year we finally were able to locate some farmers, and camps, and we inspected thirty-five camps this past season. We have about thrity inspectors that cover the whole state. The thirty-five camps does not include the crew leaders.

As far as OSHA is concerned the migrant labor situation is not one of our big headaches. As this gentleman explained to you, we have the problem of, who is the employer, which is a very difficult question to answer, sometimes it is clearly cut and sometimes it is not. So our policy at this time is that when we go into a labor camp that is occupied by a crew, that we are going to cite the crew chief and the farmer. Then if somebody wants to protest, and say that's not my responcibility, then we will turn that case over to the Attorney General, and they can finally determine if it is him or not. At this time I don't think he can even determine that.

Another problem that we have had that has come up several times and that is the question of "pre-occupantcy" inspections. At this time our particular division, the Inspection Division which has the authority to enforce the standards, does not have the authority to do consultation work, so we cannot make "pre-occupantcy" inspections. Our Act covers employees. There has to be an employee-employer relationship. So, if there is nobody in the camp, there is no exposure to a violation, and there no point in us going. Our Division cannot make them. Hopefully in the next few months we will be starting up a consultation service, where if an employer does have a particular problem, and needs assistance, we will be able to send someone to look at that particular area and give you some advise on it. That particular division will be seperate from the enforcement division. They will come out of the Training and Education area. So, there is no point in you asking me to come down before your camps occupied and make what we usually call a "courtesy" inspection, because we are not permitted to do that. It is up to the Crew Leader to determine as to whether the camp meets the OSHA standards prior to inhabiting the camp.

On any standard, there has to be a public hearing. At this point the proposed changes is in the U.S. Department of Labor OSHA Regulations, and they have not adopted the standards as yet. When they adopt them the State will possibly adopt the same standards, but, there must be a public hearing before we adopt the standards. You can make personal appearances or written comments, while they are in a proposed state.

In most of the inspections we conducted we found that most we substandard. I think in every case except one, we did find quite a few violations. We may have found one camp that was in compliance, but the remaining thrity-four did have violations. It could be anywhere from five violations of the standards or thrity, it depended on the

camp. I do have a list of labor camps, or farmers who are supposed to have labor camps, and I do not know how accurate it is. As far as I know and from the list that I have been given, we have a list of some thirty-five. I can only go on what information has been supplied to the Department. The problem that I think we will have next year is, the camp that we have been in this year, we made an inspection and issued a violation citiation, the crew leaves so there is not exposure to housing, and when the crew comes back next year, we are going to go back and preform an inspection, and see that there has been no change then the farmer is going to receive a pretty severe penalty. It is possible that you could have some type of contract drawn up, and I don't know, but if so it would place the responcibility on the crew chief. If you have been cited, and you haven't corrected the violations, and you are expecting a crew in next year, I would advise you look to having them corrected.

If the members of a crew are renting a private home, I would think that our department would have not jurisdiction as far as our enforcement of the OSHA standards. As far as the question that was posed on motels, or private homes, at this time I just don't see where we would have any jurisdiction at all, and I don't see where the Health Department would have any jurisdiction either.

As I mentioned when I began, the law that we are enforcing is not written specifically for the protection of the migrants, it is a law that was written to protect all employees. It began as a Federal Law and it just happened that the State elected to enforce their own law. We were the first in the nation to do so, of course we haven't perfected it yet, but it has been helpful. There are alot of short-comings as you can see from some of the discussion and questions that we have got this afternoon just on the migrant labor camps. The word migrant labor is not even mentioned in the standard, it just says "temporary labor camps", it doesn't say migrant labor camps. Let's say you've got a man that has a logging operation, or, let's say a rock quarry, or something like this, if he provides housing for those people, then he has got to meet those standards. Whether they stay there permantely or on a temporarily, in the proposal it doesn't say temporary labor camps anymore, it says "Employment Related Housing."

The method that we use in locating the labor camps, as I mentioned I have a list of some fifty camps. If you want to provide me a list, I would be glad to accept it. The only thing that I have at this time is a list of about forty-five or fifty camps, with the farmers names and addresses, and these farmers are supposed to have labor camps. At this time this is the only thing that I have to work with. We have worked with some of the different organizations, as a matter of a fact, I think this is where I got my list.

I think I have taken up my allotted half hour. I know I didn't really go into any detail as far as the standards, but, if you don't have them just write us and we will be glad to send you a copy of the current standards as well as the proposed changes to you. You can take a look at them, and then when we are at the stage of adopting the proposed changes, then you may already have some thoughts as to how they can be improved, and then of course you can attend the public hearing. I hope that I didn't confuse any of you, I know I didn't answer all the questions, but I am sure that somewhere down the road the questions will

be answered.

One thing that I might add about the question which came up about when you cite under the OSHA standards, whether that citation should be directed to the crew chief or the farm operator or both. What the standards define as the employer is very simply, as the person engaged in a business effecting commerce who has employees. So, what I think that the Department of Labor is faced with when we get ready to direct a citation against an employer, if we have any information at all that the farmer or the crew chief is the employer, then we are going to cite them. If he has got some contractural reationship, and for some reason that he doesn't consider himself the employer of these workers, then what he has got to do is protest, and bring and make those facts known to the Department of Labor. So, if we have any information that a certain person is the employer, then we are going to direct the citation to that employer.

As part of the record keeping requirements, if you do have a fatality in you operation, you do have to report that to us within forty-eight hours. You can do that by telephone, telegraph or possibly by mail, and there is a penalty if you don't do that. As far as OSHA is concerned there is no particular responcibility to any party to bury or to see that the body gets back home. If there is any other party that takes care of this, I don't know. All we do, even if it happens in transit, it is not covered under OSHA, it would then be covered possibly under the Department of Transportation. The only time that we would investigate a fatality, is when it is job related.

Under the Farm Labor Contractors Registration Act, the crew leader is responcible that the housing to be occupied by his workers meets all the State and Federal standards. Therefore, if he places them in sub-standard housing, he has a complaint to make to Wage and Hour, irregardless of whose responcibility, they can come out there. If he doesn't arrange for it, he is not responcible. When he contacts, solicits, and hires these migrant workers, he is supposed to at that time furnish them in writing what housing there is, if it is going to be furnished, transportation, working conditions, what areas they are going to be working in, and so forth. He doesn't plan on furnishing housing, and if he doesn't obtain it himself, he couldn't come under this Contractor's Act. He has to furnish information in reference to that, before he gets his registration.

Thank you.

FIFTH ADDRESS BY REPRESENTATIVE McKINLEY WASHINGTON, VICE-CHAIRMAN OF THE GOVERNOR'S LEGISLATIVE STUDY COMMITTEE, BEFORE THE SECOND ANNUAL CONFERENCE ON MIGRANT FARM WORKERS, AT THE WADE HAMPTON HOTEL, COLUMBIA, SOUTH CAROLINA, OCTOBER 1, 1975.

Thank you Mr. Clarke. As we have been discussing the recommendations that have come up, the only thing that I can mention in this particular area is that, many of those recommendations that you are talking about some of them never did reach our committee. As was mentioned just a few moments ago, we have had some difficult times trying to get through legislation, we get through the House, and they either died in the Senate Committee or when they were dealing with the legislation, they ought to be really working with the problems concerning migrant seasonal farm workers.

This past session, I introduced a piece of legislation dealing with migrant seasonal farm workers, setting up a division within the Department of Labor of Migrant and Seasonal Farm Workers. The one main idea was to get the Department of Labor in South Carolina to become involved in the migrant seasonal farm worker's problems, because we felt that the Department really was not doing what it ought to be doing. It was not putting the kind of emphasis on the problem that we are facing in the area of migrant seasonal farm workers, and we still don't have it. However, there was another bill, not the one that I introduced, that the Department of Labor lobbied for. It came out of the Committee alittle weaker than the one we introduced, but, we do have something that the Study Committee is supporting, and recommended that we have direct authority in stopping this sort of problem. Now that piece of legislation gave the Department of Labor the responcibility of setting up the rules, and guidelines, and regulations working with other agencies in the State, to see that the standards of OSHA and everything else is carried out in the State of South Carolina. Not until this kind of legislation in the State is carried out by the State will...we will come here every year and go back home from the conference, the migrant comes in the spring of the year, and we have the same darned problem. Now is the time for us to stop talking about it, and do something about it.

We have right now, our committee now is sending out the servee forms, with the names of the agencies in the State that at this point deals with migrant work, and who has money in their budget from State Appropriations to deal with migrant or seasonal farm workers problems, but they are not doing it. So, we want to know what are you doing, you know, you are getting the money, you have ten or fifteen different agencies who are supposed to be dealing with the problems of migrants and seasonal farm workers in South Carolina, but we don't see the results. We feel that the Department of Labor at this point ought to be the agency that ought to coordinate this kind of thing, and report to the General Assembly. We have one of the greatest lobbying groups in South Carolina who could lobby against every bill that we have introduced dealing with migrants and seasonal farm workers in the State, and it is difficult to get a piece of legislation passed in the General Assembly to solve the problems that you are talking about. The greatest thing that you can do as group here is to, do just what those other groups are doing who are lobbying against what goes through the General Assembly to bring about the needed changes. You start talking about these kind of homes, well, we know darned well

that the crew leader let the farmers know, that the farmers are responcible for these private homes that these migrant workers are living in when they come to the community, because they find these homes for them, and in Charleston County particularly, we know that many of the health problems that we have in migrant camps in South Carolina and particularly in the low-country, that the Health Department passed by these migrant camps, know they are sub-standard, they look at them and pass them and keep going.

Our committee, Senator Stephen's Legislative Committee, last year went throughout the State viewing migrant camps, not only in this state, but also Georgia, and Florida. The kind of conditions that we saw, not only in private camps, but camps owned by local governments, were ridiculous. The type of running water, the type of sanitation, and at the same time the Health Department said, "We pass these camps", "They are suitable to live in." So some agency in the state has got to be responcible for making sure that the Health Department, the Department of Social Services, the Department of Education, all of these departments have money in their budgets to deal with migrant workers, that they do what they are supposed to do. We can't do it, unless we get the information. I think that this is the point, this is the problem, and this is the thing that we have to deal with. We can talk about this thing all day, we can talk about it tomarrow, we can and have been talking about it for years, and we come back as was mentioned before and we pass the buck. I think this state ought to take some of the responcibility along with the farmers and make sure that these camps come up to standard. I think our problem is, that our state agencies ought to do what the good Doctor was saying a few minutes ago, and that is we have got to believe and start thinking that we are dealing with people, because many people feel that migrants are not people. They are simply people that come into the State to do a job, and believe it or not, if we did not have the migrant workers many of us would not have food on our tables. If we did not have the migrant workers many of our stores in our communities where they come every summer, they get rich on the migrant workers. They bring money into the State, they come into the State and they work, and they leave that money in the state. The little money that they make they leave it right there in the community where they are. Either in a grocery store, in a liquor, you name it. That money is left in that community. So, the State does profit from it. I think that this is where we have got to start dealing from that particular point, that we do have an obligation to these people, that they are not only just drunkards, and wine-o's that many time you see in the newspaper, some of them say that they are not worth anything, they tear up the camps, they do get frustrated and if the crew chief were to take half of your money, and just leave enough that you but beer, wine and whiskey, you are going to drink it just to get rid of the frustration. I think that this is the problem that we are going to start dealing with, and we hope that our committee will get the kind of support from people like you who are here today that we can say to the General Assembly, we can say to the House of Representative, we are having a difficult time trying to get some funds for this committee, it took half a year to get a resolution passed on the floor of the House that I introduced to even keep the committee going to deal with the problem of migrants in the state.

Now, I have been working with migrant workers in Charleston county for years, I know their kind of needs. We have not dealt with the pro-

blems. The Health Department has not dealt with the problems, and the Labor Department has not dealt with them. Until we start dealing with those problems, we are always going to have them. We wait until the last minute.

Thank you, Mr. Clarke, for alotting me this time to address this conference.

SIXTH ADDRESS BY MR. RALPH ALEWINE, UNITED STATES DEPARTMENT OF LABOR, BEFORE THE SECOND ANNUAL CONFERENCE ON MIGRANT FARM WORKERS, AT THE WADE HAMPTON HOTEL, COLUMBIA, SOUTH CAROLINA, OCTOBER 1, 1975.

I appreciate the opportunity of coming and appearing before this body. This makes my third State Conference that I have had the priveledge of attending. I attended a meeting in Mount Olive, a month or six weeks ago in North Carolina, and then a meeting in Florida, in the early part of last month. I think that it is well that we get together and discuss our problems like this.

Let me say this, looking at the problem this morning, and noticed that it was going to wind-up the closing remarks being at 3:30 p.m., so I looked at my flight schedule, and I noticed that there was a flight out going back to Atlanta at 4:30, so I went ahead and got on that. So, Mr. Clarke, with your permission could I make just a few remarks, and then run. If any of you want to take a pot-shot at me, take them a little later on.

During this meeting I have heard alot of voices. These are voices of concern. Some of the voices have been shrill, some have been loud, some have even been timid. But never the less, they have been voices of concern for the needs of migrants. I think that it is well that we listen to these voices, that we open up our ears, and pay attention to what is going on.

Another good part about this conference is the channels of communication that can be opened here. Of people talking together, of people talking about their problems, and laying them out on the table. Too often we have a concern of getting off somewhere and saying what is wrong with the world, without trying to really do something about it. So when we sit down with people that can effect change, these changes can be brought about. So I think that this is well that these meetings happen.

I found out in many years working with Employment Services, and working with the Federal Government, that when you have a problem, you need to go to the person where you have that problem, and sit down and talk to him on a man-to-man basis. Tell him just exactly what the problem is, and let him know that you are there to help him, that you are there to try to assist him in overcoming these problems. You would be suprised how many times that you can overcome those problems. I would like to give you an illustration of some of the activities that we have had in Florida. Two years ago, we got actively involved in inspection of housing. It seemed like the sugar camps down there, the housing was not quite up to standards, there were a couple of them that were in real bad shape. So, there were regulations passed which required from the Department of Labor to inspect all of the housing that was to be occupied by farm workers. Now approximately two million dollars have been spent in improving housing in that Lake Okeechobee area. Now, during these past two or three years I have had to go through in all the housing, I have flushed all the commodes, and measured all the rooms, and so forth. I can vouge for you, that all the housing down there meets all the standards. Now, there is one particular employer that will alot of people are just dread to go see, it's Otto Larsen, out at Shawnee Farms. He was of the old school. I found Mr. Larsen to be a very charming person, he said what he thought, but, I found out that

you can do business with him by telling him what you also thought, and between the two of you you can begin to work out the problems. Where his housing was previously sub-standard, I would like to tell you what it is now. It is concrete block housing, it is air-conditioned, now I haven't been able yet to get carpet on the floor, but I have been working on it. But not too long ago the Health Department man came by, he and the Health Department man just don't get along together at all. Mr. Otto says that the man is a communist, but, he inspected his housing and this Health man looked around, and Mr. Otto said well, at least I am glad I have got some friends here. But, anyway, what I am trying to say is here is, that when we talk to a man on a man-to man basis, you can frequently work out these problems.

So, I think that it is well that we come together here today, and talk about these problems. We can work out alot of these things through a spirit of cooperation. We don't necessarily have to have a law that you are going to enforce, but to have a law of humanity, of treating a person like a person. Trying to work out a reasonable solution to the problem.

So, with these few remarks I will turn it to Mr. Sanders and Mr. Washington will also sum it up from the viewpoint of the legislator.

REACTION PANEL

Mr. Sanders: Being no orator, I am not going to take alot of time. I would like to point out a few problems from the farmers point of view.

We are not antagonistic toward labor. We are not trying to hold labor down, we depend on migrant labor. We have got to have them. Now, housing requirements, we know that we have got to meet. Every year we spend more money trying to get up to the standards on housing. I can't speak for everyone naturally, some people try to squeeze the buffalo until it cries. Sometimes, we are not financially to do all the things that we would like to, and there is a problem that hasn't been mentioned, and I think since this is a legislative study group, that this should be brought out.

We in our operation have five labor camps. We have made every effort to meet all the OSHA standards for sanitation, lighting, available space, and so forth. Every time that we add a square foot of room, another window, another bathroom, another kitchen the County comes in and increases our taxes. This occupied three or four weeks a year, and we pay taxes on it twelve months. Now this is a problem, that I don't know if there's anything legislatively we can do about it, but we could afford better labor housing if it were not for the fact that we are taxed on the basis the twelve month basis. Right now in our particular operation, we pay enough in taxes on these units, to probably build another one every year, which the labor would enjoy, and I would enjoy. Realistically, it is impossible, financially. So that is one little thing that the farmer has got as a problem, which probably most of you haven't thought about.

Of course, there has always been the discussion of, we put it up, and it gets torn down. That is something that we know we have to face. There was a discussion earlier about the fumigation of mattresses. We don't fumigate mattresses. We burn them. We start fresh every year. That is the only way, and that is expensive. Every nickle, dime or dollar that we put into a labor camp has got to be charged against the proper policy. Well, the people go into the store and buy a tomatoe, that's our particular line of work, good god, that is thrity-nine cents a pound, that housing is part of that price. Like it or not, that's what it is. For us to have satisfactory living, to harvest a short season crop, we have got to have adequate housing, so that they will be glad to move in, glad to do the job, and so forth. We realize that. We are not fighting against any standards, we want them. I wish could have better.

I say I can't speak for all the farmers, but that is the way I feel about it personally. Thank you.

Mr. Washington: Thank you very much. It is good to be here, and I am just going to take a couple of minutes to sum up a couple of things. I have been sort of shuffling between two meetings today, because we do have a House Session going now dealing with school financing.

We are very happy to know that we do have people in South Carolina like you who are concerned for the flite of migrant seasonal farm workers. Whereas, the seasonal farm workers, I am talking about not only those who pick tomatoes Sir, but a few other seasonal workers and other laborers.

The Legislative Committee at this point feels very good because we feel that at this point that even the farmers now are alittle more tolerant with the Committee than they have been in the past. I believe that every individual who has some contact with migrants or some working with migrants problems in this State realizes that there is a problem, and that the problem deals with care for people, and those people as they relate to us, because they do come into our community, whether we like it or not, and if the housing conditions and the health conditions are not what they ought to be, and disease and etc., are spread into the community and is not going to be in the migrant camps alone. It is going to be in our total community. This is something that we must think about.

The Committee has worked very hard in the last three years trying to research the problem, and not only that, but attempting to bring together those agencies that ought to dealing with the problems, and seeking to get them to communicate with each in order that they might be able to sort of ease the problems in the State of South Carolina. There are many who believe and feel that somehow our agencies who are concerned and should be concerned with the problem of labor in this State, are not taking care of their responcibility. Employment Security a few years ago were working with migrants as they came into the state, now, they don't deal with them. Right now, we don't even know how many migrants come into the State of South Carolina. We estimate, but we don't know.

Just a few weeks ago, we got a breakdown in Charleston county, now this is a county camp, what they were paid by farmers, and what they weren't paid by farmers to rent the county labor camps. We were suprised, we were shocked. The County Council is saying to us, we just didn't follow it up, and the farmers just didn't pay their dues. These people living in the camps? You have just a small square room, people piling in on top of each other. Those people are paying a rent for those rooms. Those migrants do not stay in these camps free, they pay for them, and it is taken out of their paycheck. I am sure that it is difficult in many cases for many

farmers. Some of them say, well their crops might be destroyed. That's true. Farming is a gamble. You might have a good year this year, and next year you might have a bad year. The only difference is, in most cases the farmer has an insurance in his crop. The Federal Government will come in and give him something if he looses his crop, but the migrant worker doesn't get anything. We had this problem in Charleston county a couple of years ago.

These are issues that the Legislature must deal with. We have people in the Legislature who are concerned, but a great many of the people who are over there could care less about passing any laws in the State of South Carolina dealing with migrant and seasonal farm workers. If we could get the State to pass laws in relationship to what the Federal guidelines are, then it will be much easier for the farmer to comply with the law in many of these instances. We always wait until the Federal government says. We feel that the Committee has been somewhat of a communication network in getting to the farmers and telling them what the laws ought to be and what they are. So that they will not be punished. The legislations that we seek to pass are legislations that will not only assist the migrants workers, but at the same time assist the farmers in complying with the guidelines as they set, and handed down by Washington, or by the Federal government.

I see that at this point that we are at a juncture where we can put together legislation. I certainly hope that the recommendations and the resolutions that you will make here today, or that you have made in the past, that those resolutions will get to that Study Committee and that the Study Committee can put together a package to present to the General Assembly, through either the Agricultural Committee or some othe committee that will push it through the General Assembly. At this point we must get this kind of legislation passed, and we are asking you will assist in lobbying for legislation that will help people that we find poor, opressed, in need, and people who are sick. We must tighten up. This is the only way that we can deal with the problem. It has gone past the idealistic stage, and it is time we do something about it.

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